

<b>Subject:</b>	Maritime. 11-71 document demand / Re: 3 of 3. Fw: Attachments as follow up to: Re: Evidence in court discovery of MCLM (Reardon and counsel) pejury and fasle statements to FCC on core licensing matters
<b>From:</b>	Warren Havens (warren.havens@sbcglobal.net)
<b>To:</b>	Pamela.Kane@fcc.gov;
<b>Cc:</b>	Michele.Ellison@fcc.gov; brian.carter@fcc.gov; David.Hunt@fcc.gov; Christopher.Shields@fcc.gov; jstobaugh@telesaurus.com;
<b>Date:</b>	Tuesday, May 21, 2013 8:17 AM

Ms. Kane, Mr. Carter,

1. The documents I attached that were new (not yet provided by me or my office), send with below email string to you, are pursuant to your document demand issued to the "SkyTel" entities in this Maritime Hearing, docket 11-71.

*Maritime had a duty to provide all of those documents, and the information in the Predmore deposition transcript, to you, but did not. They were not so provided, from review of our counsel including of information submitted in the 11-71 Hearing under alleged highly confidential basis: this certainly was not fully provided, including since it contradicts (and reveals as fraud and perjury) critical representations by Maritime in the Hearing including on issue (g).*

2. Also, as our email exchanges show, we and our New Jersey legal counsel, Tendai Richards, have informed you of documents that Maritime labelled as under the protective order in the Maritime Antitrust case in USDC New Jersey (Havens et al. v. Mobex et. al. USDC NJ Case 2:11-cv-00993-KSH) ("NJ Case") that we are relevant to issue (g) and other issues in this Hearing under docket 11-71. We have suggested that you use your authority, such as subpoena power, to seek those documents. As we have previously written, if you decide to do that, please let us know and we will cooperate.

*Maritime had a duty to provide all of those documents to you, but did not. They were not so provided from review of our counsel including of information submitted in the 11-71 Hearing under alleged highly confidential basis.*

3. Also, you may find information in the docket in this NJ Case, on PACER, of value to this Maritime Hearing.

*I believe it is clear that Maritime lacks the right to seek summary decision on issue (g) given that it has withheld this critical information it had an obligation to turn over to you, and since information in the NJ Case given under penalty of perjury, by David Predmore, further shows that Maritime lied to you and the Judge in this Hearing on matters critical to issue (g). I have informed Maritime attorney Tom Keller of these matters. He is privy to Maritime and its access to all of the information in the NJ Case. He has acted with his client Maritime, directed by John Reardon, to cause and facilitate the Maritime withholding and misrepresentation. John Reardon also directed Mobex and its counsel in the NJ case. See what David Premore testified as to Mr. Reardon in the deposition transcript I sent to you.*

In addition, the Judge in this hearing has repeatedly acted to limit and frustrate my participation including to bring to this Hearing critical facts, including what I describe in this email string. He has taken no action to obtain relevant information from the NJ case that is under Maritime-alleged confidentiality- a matter I brought to his attention and yours several times in pleadings. I have informed you these matters. You have taken no action in support of the rights the Commission established in the HDO, FCC 11-64 as to myself individually, and the "SkyTel" legal entities I represent as President, each being a designated a Party with full participant rights: we were the "petitioners" in the proceedings described in the HDO that brought to the FCC the facts that lead to the HDO, and we were challengers to Maritime in its bankruptcy case, and the NJ Case, and were *obviously* in the best position to participate in this Hearing to deliver those facts, and bring new ones. Rather than the Judge laboring to cut out these rights as he did (a large number of Orders just on this), he should

have fully allowed our participation, and required it even if we chose not to participate. When he frustrated this as he did, it is reversible error.

If you have any questions or comments, please let us know.

Respectfully,  
Warren Havens

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**From:** Warren Havens <warren.havens@sbcglobal.net>  
**To:** Pamela Kane <Pamela.Kane@fcc.gov>  
**Cc:** "Michele.Ellison@fcc.gov" <Michele.Ellison@fcc.gov>; Brian Carter <brian.carter@fcc.gov>; "David.Hunt@fcc.gov" <David.Hunt@fcc.gov>; Christopher Shields <Christopher.Shields@fcc.gov>; Jimmy Stobaugh <jstobaugh@telesaurus.com>  
**Sent:** Monday, May 20, 2013 1:13 PM  
**Subject:** 3 of 3. Fw: Attachments as follow up to: Re: Evidence in court discovery of MCLM (Reardon and counsel) pejury and fasle statements to FCC on core licensing matters

Here is Attachment [2b]. End of this email.

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**From:** Warren Havens <warren.havens@sbcglobal.net>  
**To:** Pamela Kane <Pamela.Kane@fcc.gov>  
**Cc:** "Michele.Ellison@fcc.gov" <Michele.Ellison@fcc.gov>; Brian Carter <brian.carter@fcc.gov>; "David.Hunt@fcc.gov" <David.Hunt@fcc.gov>; Christopher Shields <Christopher.Shields@fcc.gov>; Jimmy Stobaugh <jstobaugh@telesaurus.com>  
**Sent:** Monday, May 20, 2013 1:11 PM  
**Subject:** 2 of 3. Fw: Attachments as follow up to: Re: Evidence in court discovery of MCLM (Reardon and counsel) pejury and fasle statements to FCC on core licensing matters

Here is Attachment [2a].

(I split attachment [2] into two parts, to stay under your apparent 10 MB file size limit.)

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**From:** Warren Havens <warren.havens@sbcglobal.net>  
**To:** Pamela Kane <Pamela.Kane@fcc.gov>  
**Cc:** "Michele.Ellison@fcc.gov" <Michele.Ellison@fcc.gov>; Brian Carter <brian.carter@fcc.gov>; "David.Hunt@fcc.gov" <David.Hunt@fcc.gov>; Christopher Shields <Christopher.Shields@fcc.gov>; Jimmy Stobaugh <jstobaugh@telesaurus.com>  
**Sent:** Monday, May 20, 2013 1:04 PM  
**Subject:** 1 of 2. Fw: Attachments as follow up to: Re: Evidence in court discovery of MCLM (Reardon and counsel) pejury and fasle statements to FCC on core licensing matters

I am now sending the attachments in two emails.  
The transmission below was rejected by FCC as over file-size limit.  
(FCC needs email with reasonable file size limits on attachments.)

----- Forwarded Message -----

**From:** Warren Havens <warren.havens@sbcglobal.net>  
**To:** Pamela Kane <Pamela.Kane@fcc.gov>

**Cc:** "Michele.Ellison@fcc.gov" <Michele.Ellison@fcc.gov>; Brian Carter <brian.carter@fcc.gov>; "David.Hunt@fcc.gov" <David.Hunt@fcc.gov>; Christopher Shields <Christopher.Shields@fcc.gov>; Jimmy Stobaugh <jstobaugh@telesaurus.com>

**Sent:** Monday, May 20, 2013 12:57 PM

**Subject:** Attachments as follow up to: Re: Evidence in court discovery of MCLM (Reardon and counsel) pejury and fasle statements to FCC on core licensing matters

FCC OIG,

Mr. Shields, Mr. Hunt,

FCC EB,

Ms. Kane, Mr. Carter, Ms. Ellison,

PLEASE ACKNOWLEDGE RECEIPT.

I also request a substantive response.

I am following up on the below email of April 30, 2013.

(i) For reasons I have explained to EB, I assert that "issue (g)" is not-- as described in the HDO, FCC 11-64 and the "petitions" of my companies that it cites as cause of this issue (g) (I wrote those petitions)-- solely about Maritime-Mobex failures to act leading to license termination, but is the core of the Maritime-Mobex fraud, perjury, misrepresentation, and lack of candor that lead to Maritime Auction 61 actions, and all that followed. I have explained the reasons, including summarily below. That involves lack of character and fitness, and thus the other issues in the HDO that involve license revocation, the Jefferson Radio policy, etc.

For this reason, I believe that opposing the Maritime motion for summary decision on issue (g) -- due this Wednesday-- should deal with the matters I present below, and that issue (g) is related to the Maritime request for special relief under "Second Thursday."

- *This is one reason that I am sending this email and its attachments at this time.*

The below also shows that Maritime *deliberately withheld information and documents, and lied about that*, which show that the subject AMTS site based licenses and stations were obtained by Maritime after they were off the air for a long time, at least a large percentage (that are among this that Martime has not stipulated to surrender for cancellation- certain A-block station licenses). Thus, as I indicated this morning to EB, I believe that the Maritime motion for summary decision is defective, *for reasons that are reflected in FRCP rule 56(d)*.

1. Earlier today, I sent an email to Mr. Kane and Mr. Cartier that included the below topic. I did not get a response on that topic.

2. I also did not get any substantive response from any FCC employee as to my email of April 30, 2013 below from either the EB or the OIG.

3. In the April 30 email, I referred to the deposition of David Predmore and documents produced. I could not provide those until a certain time passed, and no designation was made alleging any level of confidentiality. I can now provide these:

[1] Attachment 1 hereto: the deposition transcript, in one PDF.

[2] Attachment 2: the documents produced by Mr. Predmore for his deposition.

I also attach hereto:

[3] Attachment 3: a certain Declaration by Mr. Predmore initially filed with a MCLM ("MCLM" and "Martime" mean the same entity) pleading before the FCC Wireless Bureau, and later submitted in an dicussed at prehearing in docket

11-71. This Declaration is discussed in the deposition of Mr. Predmore as shown in the attached deposition transcript.

[4] Attachments 4a, 4b, and 4c: these are among the various documents in FCC records that, in addition to Attachment [3] hereto, show, in comparison with Attachments [1] and [2] hereto, that MCLM engaged in serious and repeated perjury, misrepresentation and lack of candor-- as to this site-based AMTS licenses, and the formation of MCLM with those licenses that was the basis of its bidding in Auction 61 (getting financing for it, positioning to discourage other bidders from raising funds and bidding in the auction based on MCLM-Mobex fraudulently alleged valid incumbent site-based licenses, etc.).

The attached files are labelled:

- [1] 5-20-11, to FCC EB, OIG, David\_Predmore deposition transcript.PDF
- [2] 5-20-11, to FCC EB, OIG, Predmore docs produced with deposition.pdf
- [3] 5-20-11, to FCC EB, OIG, MCLM Predmore Destruction of Records Declaration.pdf
- [4a] 5-20-11, to EB, OIG. 02.26.10. EB LOI - Maritime. EB-09-IH-1751 [false is fine or imprisonment].pdf
- [4b] 5-20-11, to EB, OIG. 3.29.10. MCLM.S- DePriest.response end Mar to Enforc.pdf
- [4c] 5-20-11, to EB, OIG. 10.07.11. FCC FOIA 2010-379 response.pdf

The above notes should be read with my memo below for an understanding.

Respectfully,

Warren Havens

Individually and as President of

*Skybridge Spectrum Foundation* | V2G LLC | Environmentel LLC | Verde Systems LLC | Telesaurus Holdings GB  
LLC | Intelligent Transportation & Monitoring Wireless LLC | Berkeley California | [www.scribd.com/warren\\_havens/shelf](http://www.scribd.com/warren_havens/shelf)  
| 510 841 2220 x 30 | 510 848 7797 -direct

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**From:** Warren Havens <warren.havens@sbcglobal.net>

**To:** "David.Hunt@fcc.gov" <David.Hunt@fcc.gov>; "Michele.Ellison@fcc.gov" <Michele.Ellison@fcc.gov>

**Cc:** Pamela Kane <Pamela.Kane@fcc.gov>; Brian Carter <brian.carter@fcc.gov>; Christopher Shields <Christopher.Shields@fcc.gov>; Jimmy Stobaugh <jstobaugh@telesaurus.com>

**Sent:** Tuesday, April 30, 2013 8:13 AM

**Subject:** Fw: Evidence in court discovery of MCLM (Reardon and counsel) pejury and fasle statements to FCC on core licensing matters

Due to the importance, I am providing this copy to:

Mr. David Hunt, Inspector General of the FCC

Ms. Michele Ellison, Chief of the Enforcement Bureau of the FCC

----- Forwarded Message -----

**From:** Warren Havens <warren.havens@sbcglobal.net>

**To:** Pamela Kane <Pamela.Kane@fcc.gov>; Brian Carter <brian.carter@fcc.gov>; Christopher Shields <Christopher.Shields@fcc.gov>

**Cc:** Jimmy Stobaugh <jstobaugh@telesaurus.com>

**Sent:** Tuesday, April 30, 2013 7:39 AM

**Subject:** Evidence in court discovery of MCLM (Reardon and counsel) pejury and fasle statements to FCC on core licensing matters

FCC OIG,  
Mr. Shields  
FCC EB,  
Ms. Kane and Mr. Carter

Re: FCC Hearing docket 11-71, and related FCC matters:  
Evidence in court discovery of MCLM (Reardon and counsel) unmistakably show perjury and false statements to FCC as to the most core licensing matters underlying all of MCLM licenses nationwide.

*Please provide a response to this memo.*

### **Introduction**

We informed the FCC repeatedly for over ten years that the evidence indicated all we have now discovered. We had to pursue court cases since the FCC did not act. This has cost sums in the seven-figure range, and close to ten years, and state and federal court actions already once to the US Supreme Court.

In this FCC Hearing, and to OIG, we have regularly pleaded that you take action to assist us in getting this information, including your ability to subpoena.

We request that, at least, you take the information I outline below, which we can document, and use it for enforcement of FCC law in the public interest.

I act principally on a nonprofit public interest basis. I was doing that prior to getting into wireless decades ago, and continue that in FCC licenses- based business via our nonprofit Skybridge Spectrum Foundation. Generally, the FCC acts as if that has no value, and simple actions to seek fair competition under law in FCC matters is a bother to the FCC.

In document and deposition discovery in our USDC court case against MCLM ("Maritime") and Mobex (and others), under US Antitrust law (which is also under the Communications Act under 47 USC 314, and 313) in recent weeks, we have obtained documentation and sworn testimony from David Predmore, past inside counsel in Mobex (and other positions in Mobex) of the following:

### **Substance**

Mr. Predmore was clear that John Reardon, the Mobex CEO during all times Mobex had AMTS licenses, had the most full and direct knowledge of all of the following:

1. Approx half of all Mobex's AMTS stations had no operations with customers for a long time prior to the sale to MCLM and up to the sale.

- (My office and counsel has the documents and deposition transcript copies. I believe the date was not less than a year before the sale when this was reflected in documentation.) - (AMTS CMRS with no operations and customers is not in constructed and in service. See memo of law Prof. James Chen to the Judge in the Hearing in 11-71 on the meaning of "construction" and related terms in AMTS.)

The MCLM -Mobex Asset Purchase Agreement (APA) by which MCLM purchased these Mobex licenses and stations, and an accompanying Legal Opinion, shows that MCLM obtained the Mobex

records of the licenses and stations (as any buyer would) and knew the stations were not in constructed and in operation. Mr. Predmore produced these documents and testified about them, as I summarily note herein.

This shows that both Mobex and MCLM (attorney and CEO John Reardon on inside, and attorneys Dennis Brown and Tom Keller and others on outside) repeatedly and flagrantly lied to the FCC, for over a decade, including since they repeatedly stated to the FCC including via sworn statements (and under rules 1.52, 1.24, etc.) that all of these stations were in service.

MCLM eventually admitted in the Hearing that the stations had no customer services (there is no other "operation" or "service") as of a date after MCLM acquired them. MCLM mislead the FCC in that it acquired stations that when acquired had no operation with customers, and that had been out of operation for a long time (see above) and thus permanently discontinued and auto terminated.

MCLM perpetuated this to scare off competition in the AMTS auctions, since if they believed MCLM had valid site based licenses in most major markets, and all along the Gulf Coast and up the Mississippi, Missouri, and Ohio Rivers and other places, then then geographic licenses had less value, and competitors such as my companies could not raise and risk as much in the auctions. After the auctions, if successful, Mobex-MCLM could turn in the bogus site-based Station license that underlay the auctioned geographic licenses before being caught on this scam. However, my companies challenged Mobex when it assigned these to MCLM and ever since challenged them both (for this reason and many others, as to violations of FCC and US antitrust law, and State law).

This APA involved, as described by Mr. Predmore in his deposition (as relayed to me by a representative I sent) and option that allowed MCLM to rescind or get out of the APA purchase of these Mobex licenses and stations if MCLM did not succeed in the just noted plan to end up winning the auctioned geographic licenses.

- (No one would buy valid incumbent licenses nationwide with an option to get of the deal if the geo licenses were not obtained, since (as MCLM often stated in the market), the site based licenses were in the large markets and other key transport routes, and the rest of the geography was, relatively, "white space" of lesser importance. This option is a "smoking gun." MCLM paid a small sum to Mobex for these assets, further showing the deal was for bogus licenses. Mobex could not get any legitimate entity to buy and launder the bogus licenses, so it worked with the Depriests to do so: they had inside connections in DC at the time including at the White House, and beyond.)

To hide this fact of the bogus site based licenses when my companies repeatedly challenged, the Mobex and MCLM inside and outside legal counsel devised a further fraud, now clearly shown in discovery in our court case, noted next. That included the Predmore Declaration\* (that was actually by John Reardon, Mr. Predmore testified) that these records were destroyed, and some (about 5 banker boxes of files) missing with whereabouts unknown.

\* Copy attached. I have provided this in the past to EB, and in the Hearing, and to WTB.

2. The Declaration by Mr. Predmore to the FCC, cited by MCLM counsel in this Hearing, and before WTB (and in the MCLM bankruptcy, and our USDC court case) that stated that MCLM did not take possession of the Mobex records on its AMTS licenses and stations (site leases, construction and operation records, etc.) when MCLM bought these assets, but instead allowed the seller, Mobex, to keep the asset records, put them in storage, and allow them to be destroyed-- was **FALSE**.

Mr. Predmore explained that MCLM did keep the records, or copies, at its Indiana offices, and had hundreds and hundreds of boxes of records and things related to its AMTS licenses and stations (initially purchased from Watercom and Reagonet, but for a few). In fact, the APA made clear that MCLM would get all these records.

To maintain the lie perpetuated under this Declaration (and otherwise asserted) in this Hearing, Tom Keller and John Reardon informed the Judge (and parties including EB and my companies) that they were not "privy" to these records of the Mobex licenses and stations acquired by MCLM, and that as this Declaration stated, that these records were not MCLM documents and they did not know what was in these records. It "had to" say that, or admit the Declaration that MCLM got and use, as perjury-- after my companies found these records in about 100 boxes at the NCASS storage facility near Manassas VA and got the US Bankruptcy Court judge in the MCLM case to order that we scan all these documents and provide them to the court (under a bonded copier, etc.: I reported this to the Judge in the Hearing and to EB).

That was also a bald face lie, as the evidence we know have shows. Reardon was the most "privy" to these documents, and MCLM held copies all along.

Mr. Predmore also testified, as to this Declaration, that it was Mr. Reardon that instructed him to submit this Declaration to the FCC and the contents to include (including all I note above), and that Mr. Reardon was the person in Mobex that dealt with and knew these matters, and not him. Reardon was the CEO during all times in Mobex involving the AMTS licenses and stations, through the sale to MCLM. (Predmore and Reardon used the title CEO at times near the sale of Mobex assets to MCLM, but Premore testified that Reardon was the actual chief officer. Reardon also directed Mobex counsel in our court case noted above, as the Mobex counsel stated in that case.) Predmore played a lesser role by title and function and time period, he explained (and relevant documents show). Mr. Predmore is (also) an attorney, and knew what he was admitting-- that he was influenced to provide a false declaration to the FCC, and he played that role. The Declaration was false including as noted above:

- (1) The substantive facts in the Decl. were from Reardon, not Predmore, contrary to the Decl.
- (2) The records were obtained by MCLM and kept and not, as the Decl stated, not obtained and kept by MCLM. (The record copies at NCASS were not destroyed, either.)
- (3) The records showed that about half of the stations, at least, were out of service operation (see above), contrary to the Decl. including its par. 18.

[It is highly odd that, and begs the question why, this Decl asserts that Mobex's relation with Nextel validated the Mobex licenses and Mobex. We brought that up to the FCC previously. There is a connection shown in the case *Greene v Mobex* (USDC, ND Cal, 2002): Mobex sold its 800 MHz to Nextel, and in that case, Reardon testified that Mobex may have to give the money back (\$120 million as I recall) if Nextel determined the 800 MHz licenses were not validly constructed, etc. I believe it is likely that Nextel laundered bogus 800 MHz, and Mobex and Nextel keep that hidden, and Nextel then took a minority position in Mobex when it bought AMTS from Regionet and Watercom. The point of this paragraph is that I believe Reardon tried in AMTS what he- Mobex did in 800 MHz. However, the matters on this paragraph are not essential to what I present in this email above.]

## **Conclusion**

MCLM-Mobex and their officers and inside and outside used repeated fraud, lack of candor, and criminal violations (including of 18 USC § 1001) to get and keep the site based AMTS licenses

nationwide, and use those to as the platform to get geographic licenses (also obtained by other violations, as to false bidding credits, then maintained by other repeated lies to the FCC). This was perpetuated in the fact of the WTB, EB, the ALJ, and at time the full Commission.

The Hearing on issue (g), and as to all other issues (that include character and fitness, and related revocations), has been corrupted by this.

*When a licensee engages in this level of FCC and criminal wrongdoing for decades (Mobex and MCLM combined), as summarily noted above, the evidence of this should be front and center as issue 1, and if validated, there should be no cure as to further allowing the licenses to stand.*

The issue is then proper penalties including to make an expmple to try to prevent this sort of thing in the future. Evidence we have is in formal court discovery, not our speculations. We are sure there is much more, and Predmore testified to that also.

You of course have powers to act in such a situation, if you decide to do so. My companies are acting as we can, including in this court case, and in the Hearing even with what I have described as prejudicial and reversible error.

If you want the documentary evidence from our court case supporting my memo above, my office can round it up and provide it to you.

I only covered some of the relevant information related to these matters, in time I had available now.

Also not that I am not currently able (unless you subpoena me, or get the Judge to issue an appropriate Order, which may change the situation) to give you some information and documentation relevant to the MCLM Hearing from this court case that is designated by MCLM counsel (artificially I believe) as confidential or attorney eyes only under a court case protective order. But what I summarily note above was not so designated by Mr. Predmore or anyone in the case.

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Please excuse my typos.

Too busy, and never know when my memos to you will have any effect or just waste time.

The attached PDF slides give you an idea of some of my companies plans. The core service will be at no cost to government agencies and the public, and will dramatically help the nation's transport, energy and environment systems, and security. The unlawful actions by MCLM in violation of FCC and US antitrust law have in large part blocked us.

Respectfully,

Warren Havens

President

*Skybridge Spectrum Foundation* | *ATLIS Wireless LLC* | *V2G LLC* | *Environmentel LLC* | *Verde Systems LLC* | *Telesaurus Holdings GB LLC* | *Intelligent Transportation & Monitoring Wireless LLC* | *Berkeley California* | [www.scribd.com/warren\\_havens/shelf](http://www.scribd.com/warren_havens/shelf) | 510 841 2220 x 30 | 510 848 7797 -direct



